

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DIVISION OF MISSOURI
SOUTHERN DIVISION

TIMOTHY W. SPARKS,)	
)	
Petitioner,)	
)	
vs.)	Case No. 6:16-CV-3179-ODS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER (1) DENYING PETITIONER'S MOTION TO VACATE SENTENCE,
(2) DENYING AS MOOT PETITIONER'S COUNSEL'S MOTION TO WITHDRAW, AND
(3) DENYING AS MOOT PETITIONER'S MOTION TO APPOINT COUNSEL

Petitioner seeks to vacate his sentence based upon *Welch v. United States*, 136 S. Ct. 1257 (2016), and *Johnson v. United States*, 135 S. Ct. 2551 (2015). Petitioner's arguments were previously addressed by this Court in August 2015, when the Court denied Petitioner's identical Motion to Vacate Sentence. Case No. 6-11-CR-3045 (Doc. #69). Petitioner's Motion to Vacate Sentence in this matter is denied for the same reasons. With the denial of Petitioner's Motion to Vacate Sentence, Petitioner's Counsel's Motion to Withdraw and Petitioner's Motion to Appoint Counsel are rendered moot.

The Clerk of the Court is directed to mail a copy of this Order to:

Timothy Sparks
Reg No. 23205-045
FCI EI Reno
P.O. Box 1500
EI Reno, OK 73036

IT IS SO ORDERED.

DATE: May 31, 2016

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT